

**REMARKS**

In the Office Action,<sup>1</sup> the Examiner rejected claims 1, 3-8, 25, and 27-32 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 25, 30, 33, and 35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,751,708 to Eng et al. ("*Eng*"); rejected claims 1, 5-9, 11-14, 31, 32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of U.S. Patent No. 5,764,899 to Eggleston et al. ("*Eggleston*"); rejected claims 3, 4, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston* further in view of U.S. Patent No. 5,493,695 to Aitkenheadi et al. ("*Aitkenheadi*"); rejected claims 27, 28, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi*; rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi* further in view of *Eggleston*; rejected claims 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of U.S. Patent No. 5,465,392 to Baptist et al. ("*Baptist*"); and objected to claims 16 and 17 as being dependent upon a rejected base claim.

Applicants have amended independent claims 1 and 25 to maintain sufficient antecedent basis. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 3-8, 25, and 27-32 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 25, 30, 33, and 35 under 35 U.S.C. § 102(e) as being anticipated by *Eng*.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 25, as amended, recites an information distribution method comprising “transmitting the request signal from the terminal apparatus to the server apparatus” wherein “the request signal includes a time limit for the distribution of the contents information file” and “the distribution time period is scheduled based on the time limit of the request signal.”

The Examiner argues that *Eng*'s disclosure of “the end-user device starts a timer” in col. 6, line 14 teaches the claimed “request signal includ[ing] a time limit for the distribution.” See Office Action, pp. 14-15. Even assuming the Examiner is correct, which Applicants do not concede, *Eng* does not teach or suggest that the timer in the end-user device is transmitted to the communications controller/scheduler. In *Eng*, the end-user device waits for an Access ID or an ACK message from the communications controller/scheduler until the timer in the user-end device expires. See *Eng*, col. 6, lines 18-22. However, the communications controller/scheduler is unaware of the timer in the end-user device or when that timer will expire. Therefore, *Eng* fails to disclose “transmitting the request signal [including the time limit for the distribution] from the terminal apparatus to the server apparatus,” as recited in claim 25.

Furthermore, the Examiner argues that *Eng*, in col. 6, lines 22-31, discloses: “the distribution time period is scheduled based on the time limit of the request signal.” See Office Action, p. 3. However, claim 25 recites “scheduling, in the server apparatus, a distribution time period.” Accordingly, the scheduling of the distribution time period is performed in the server apparatus. Conversely, in *Eng*, the communications controller/scheduler does not have any information regarding the timer started in the end-user device. In *Eng*, only the receiving of communication by the end-user device is

based on the timer, and the sending of communication by the communications controller/scheduler cannot be based on the timer in the end-user device. Therefore, *Eng* fails to disclose "the distribution time period is scheduled [in the server apparatus] based on the time limit of the request signal," as recited in claim 25.

For at least the reasons given above, *Eng* fails to anticipate claim 25. Furthermore, claim 33, although different in scope from claim 25, is allowable over *Eng* for at least reasons similar to those given above for claim 25. In addition, dependent claims 30 and 35 are allowable over *Eng* at least by virtue of their dependence from allowable base claims 25 and 33, respectively. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 25, 30, 33, and 35 under 35 U.S.C. § 102(e) as being anticipated by *Eng*.

Applicants respectfully traverse the § 103(a) rejections.

As noted above, *Eng* fails to teach or suggest each and every element of claim 25. Similarly, *Eng* fails to teach or suggest each and every element of independent claims 1 and 9, although different in scope from claim 25, for at least reasons similar to those given above for claim 25. Furthermore, other cited references (*Eggleston*, *Aitkenheadi*, and *Baptist*) fail to cure the above-noted deficiencies of *Eng*. Therefore, independent claims 1 and 9 are allowable over the cited references. In addition, dependent claims 3-8, 11-15, 27-29, 31, 32, and 36-39 are allowable over the cited references at least by virtue of their dependence from allowable base claims 1, 9, 25, and 33. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 5-9, 11-14, 31, 32, and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston*; the rejection of claims 3, 4, and 15 under

35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Eggleston* further in view of *Aitkenheadi*; the rejection of claims 27, 28, and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi*; the rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Aitkenheadi* further in view of *Eggleston*; and the rejection of claims 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Eng* in view of *Baptist*.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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